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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,587	01/25/2005	Stephen Currid	232.7548USU	2546
7590	11/14/2006		EXAMINER	KRISHNAMURTHY, RAMESH
Paul Greeley Ohlandt Greeley Ruggiero & Perle One Landmark Square 10 th Floor Stamford, CT 06901-2682			ART UNIT	PAPER NUMBER
			3753	
			DATE MAILED: 11/14/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/089,587	CURRID, STEPHEN
	Examiner	Art Unit
	Ramesh Krishnamurthy	3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 August 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1 - 5, 8, 9 and 11 - 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1-5, 8 and 9 is/are allowed.
- 6) Claim(s) 11-13 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ |

This office action is responsive to communications filed 08/28/2006.

Claims 1 – 5, 8, 9 and 11 – 13 are pending.

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 11 – 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Glicksman (US 5,460,200).

Glicksman discloses a non-return device (20) comprising:

Flexible impervious wall members (22,24) of complementary shapes disposed face-to-face in surface contact in a tubular housing (16); and

Means holding said walls spaced apart (near (34)) at end of the device wherein the thickness of the wall members is in the range of 1% to 2% of their width. (Col. 4, lines 20 – 26).

Recitations pertaining to ‘waste outlet’ and “waste pipe” are regarded in this office action to be reflective of intended use and it is noted that the device of Glicksman as set forth above is capable of such use. The recitation of “waste” in line 14 of claim 11 is regarded as a mere identifier.

3. Claims 1 – 5, 8 and 9 are allowed.

Response to Arguments

Applicant's arguments filed 08/28/06 have been fully considered but they are not persuasive. Applicant's argument that the Glicksman reference lacks a means for

holding the wall members apart is not persuasive since the material of the wall members serves as the means that retains the wall members apart and is assisted in that by the heat-sealing of the two edges of the wall members in the longitudinal direction. Recitations pertaining to ‘waste outlet’ and “waste pipe” are regarded in this office action to be reflective of intended use and it is noted that the device of Glicksman as set forth above is capable of such use. See Col. 4, lines 35 – 36, wherein the use of the device with water is disclosed. The recitation of “waste” in line 14 of claim 11 is regarded as a mere identifier. Applicant’s argument that “discontinuities” in the wall members in Glicksman would present a site for collection of stagnant water etc. is unpersuasive in that it concerns limitations not expressly recited in the claims. While Glicksman’s device may have reasons different from those of the instant invention in choosing the dimensions recited, the fact is that Glicksman’s device does recite the dimensions recited.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

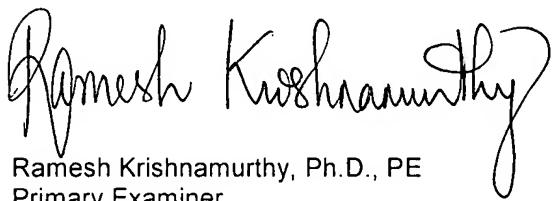
Art Unit: 3753

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramesh Krishnamurthy whose telephone number is (571) 272 – 4914. The examiner can normally be reached on Monday - Friday from 10:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Keasel, can be reached on (571) 272 – 4929. The fax phone number for the organization where this application or proceeding is assigned is (571) 273 – 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ramesh Krishnamurthy
Ph.D., PE
Primary Examiner
Art Unit 3753